

Chapter 07 Justice Court Collections Fund

100 General

- 101 The Justice Court Collections Fund was created to provide support for salaries of justice court personnel, for the purchase, operation and maintenance of software and equipment, for facility planning and improvement, and for other expenses incurred for the purpose of collecting fines and assessments within the justice court system. The Mississippi Department of Revenue (DOR) is responsible for the administration of the fund, the disbursement of monies within the fund to participating counties when appropriated by the legislature, and for ensuring that the justice court system of a participating county practices proper and effective collection procedures for the collection of fines and other assessments.
- 102 Counties must qualify in order to participate in the disbursements from the Justice Court Collections Fund. To qualify, the Board of Supervisors of a county must contract with a private attorney or private collection agent or agency to collect delinquent fees, fines and other assessments as provided by Miss. Code Ann. Section 19-3-41(2). Using a county employee for these services does not qualify the county to receive the distribution. The county must submit to the DOR the following information in order to be considered as participating:
1. The name of the county;
 2. The name and address of the person or department that will be the contact for this program; and
 3. A copy of the contract made with the collection entity including the services being performed and the time frame governed by the contract.
- 103 The DOR will issue a letter to the county either approving or denying participation in the disbursements from the Justice Court Collections Fund. The participating county becomes eligible for disbursements on the effective date of the contract. Disbursements begin the quarter following qualification of participation and are retroactive to the effective date of the contract, as long as the effective date is within the same fiscal year (July 1 - June 30). The county must notify the DOR in writing upon early termination or discontinuance of the contract. In order to maintain participation in the Justice Court Collections Fund a valid contract must be provided annually to the DOR by the anniversary date indicated in the approval of participation letter.
- 104 An assessment is collected by the justice court system from each person upon whom the court imposes a fine or other penalty for any misdemeanor specified as "other misdemeanors" in Miss. Code Ann. Section 99-19-73(6). The assessments are then remitted to the Department of Finance and Administration (DFA) in the normal monthly settlements. The DFA accounts for and deposits the money into the fund. By the end of the month following the end of each calendar quarter, the DOR will calculate the total amount that should be distributed from the Justice Court Collections Fund to each participating county using DFA accounting

reports. The DOR will then send a request to DFA to send the calculated distribution amount to each participating county.

105 The maximum amount that a county may receive from the fund is equal to the amount of deposits made into the fund by that county, less five percent (5%) that is retained by the DOR.

106 Per Miss. Code Ann. Section 9-11-35, disbursements of money from the fund may only be used to provide support for the following:

1. Salaries for justice court personnel;
2. Purchase, operation and maintenance of software and equipment;
3. Facility planning and improvement;
4. Other expenses incurred for the purpose of collecting fines and assessments within the justice court system; and
5. Defraying costs associated with collection actions under Miss. Code Ann. Section 19-3-41(4) for the collection of delinquent fines and other assessments.

107 (Reserved)

200 Collections Procedures for a Participating County

201 Payment of fines and other assessments within the justice court system are due at the time assessed. If the individual cannot pay at that time, a record of the assessment should be made. The record should contain the date of the assessment, the reason for the assessment, the amount of the assessment, any amount paid against the assessment, and the name, address and phone number of the person assessed. After thirty (30) days, if payment has not been received, a letter requesting payment should be mailed to the last known address. If payment is not received after an additional thirty (30) days, a phone call should be made. These fines and other assessments are determined to be delinquent after ninety (90) days and may be turned over to a private attorney or private collection agency or agent.

202 There shall be due to the county from any person whose delinquent payment is collected pursuant to a contract executed under Miss. Code Ann. Section 19-3-41 an amount, in addition to the delinquent payment, not to exceed twenty-five percent (25%) of the delinquent payment for collections made within this state and not to exceed fifty percent (50%) of the delinquent payment for collections made outside of this state.

203 If a county uses its own employees to collect any type of delinquent payment owed to the county, then from and after July 1, 1999, the county may charge an additional fee for collection of the delinquent payment provided the payment has been delinquent for ninety (90) days. The collection fee may not exceed twenty-five percent (25%) of the delinquent payment if the collection is made within this

state and may not exceed fifty percent (50%) of the delinquent payment if the collection is made outside this state. In conducting collection of delinquent payments, the county may utilize credit cards or electronic fund transfers. The county may pay any service fees for the use of such methods of collection from the collection fee, but not from the delinquent payment.

- 204 The additional fees referred to in Sections 202 and 203 above are not deposited into the Justice Court Collections Fund.
- 205 (Reserved)